



United States Environmental Protection Agency
Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

August 18, 2014

Mr. John Jendzejec, Vice President of Operations
Advanced Chemical Company
105 Bellows St.
Warwick, RI 02888

Re: **NOTICE OF VIOLATION** of the applicable Generators Standards of Hazardous Waste, Section 3002 of the Resource Conservation and Recovery Act of 1976 (RCRA), and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S. § 6622(a) and 6924(d) through (m), and the State of Rhode Island and Providence Plantations - Rules and Regulations for Hazardous Waste Management (Regulation #DEM OWM-HW01-14)

Dear Mr. Jendzejec:

On May 6, 2014, the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection (CEI) at Advanced Chemical Company, (Advanced Chemical) in Warwick, Rhode Island. The purpose of this inspection was to determine the compliance of Advanced Chemical, EPA ID No. RID059735761, with the State of Rhode Island and Providence Plantations - Department of Environmental Management - Rules and Regulations for Hazardous Waste Management and Federal Hazardous Waste Management Regulations found at 40 CFR Part 260-272. The State of Rhode Island and Providence Plantations has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection, EPA has determined that your facility violated certain provisions of the Rules and Regulations for Hazardous Waste Management and the RCRA regulations promulgated at 40 CFR Part 260 through Part 272. The specific violations are set forth below:

1. Failure to place a sign with the words "Danger – Unauthorized Personnel Keep Out" to all active portions of facility and other locations sufficient in number to be seen from any approach, as required by Rhode Island Rule 2.2 F, which incorporates by reference 40 C.F.R. §265.14(c).

At the time of the inspection, there was no sign with the words "Danger – Unauthorized Personnel Keep Out" in the 90-Day Hazardous Waste Storage Area located in the facility at 131 Bellows St.

2. Failure to place a "No Smoking" sign, conspicuously, wherever there is a hazard from ignitable or reactive waste, as required by Rhode Island Rule 2.2 F, which incorporates by reference 40 C.F.R. §265.17(a).

At the time of the inspection, there was no "No Smoking" sign in the 90-Day Hazardous Waste Storage Area located in the facility at 131 Bellows St.

3. Failure to close a container of hazardous waste during storage, except when it is necessary to add or remove waste, as required by Rhode Island Rule 5.9D.

At the time of the inspection, one 55-gallon, black metal drum, labelled Hazardous Waste and marked "waste cyanides, inorganic solids D003 F007 (potassium and sodium cyanides)", located outside the facility at 105 Bellows St., was not closed. Facility personnel closed the container at the time of the inspection. Also at the time of the inspection, the container associated with the aerosol puncturing system, labelled Hazardous Waste, inside the facility at 105 Bellows St., was not closed. Facility personnel closed the container at the time of the inspection.

4. Failure to maintain aisle space to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any are of facility operation in an emergency, as required by Rhode Island Rule 5.10.

At the time of the inspection, containers of hazardous waste, located in the Drum Storage Area in the facility at 105 Bellows St., did not have aisle space for the unobstructed movement of personnel in an emergency.

5. Failure to provide documentation of inspections of tank where hazardous waste is stored, as required by Rhode Island Rule 5.13C.6

At the time of the inspection, the facility could not provide inspection logs for Tank #3 (labeled hazardous waste) for July 2011, August 2012 and October 2012

6. Failure to prepare a manifest for transport of hazardous waste according to the instructions included in the Appendix to Part 262, as required by Rhode Island Rule 5.13K.1

At the time of the inspection, manifest 004186852 FLE did not have the assigned EPA Identification Number that corresponds to the facility at 105 Bellows St.

7. Failure to include on each container in satellite accumulation the words "Hazardous Waste" and the chemical or common name, as required by Rhode Island Rule 5.9A.1 and 5.9A.2

At the time of the inspection, containers collecting waste from the "Optima 7000 DV", in the lab area at 131 Bellows St., were not labeled Hazardous Waste and were not marked with other words to identify the contents.

8. Failure to manage universal waste lamps in containers and packages that must remain closed, as required by Rhode Island Rule 13.1, which incorporates by reference 40 C.F.R. §273.13(d)(1).

At the time of the inspection, two containers of 8-foot waste fluorescent lamps were not closed.

9. Failure to label or mark each lamp or a container or package in which such lamps are contained with one of the following phrases: "Universal Waste – Lamp(s)", or "Waste Lamp(s)" or "Used Lamp(s)", as required by Rhode Island Rule 13.1, which incorporates by reference 40 C.F.R. §273.14(e).

At the time of the inspection, waste fluorescent lamps or containers of waste fluorescent lamps were not marked with the phrase "Universal Waste – Lamps", or, "Waste Lamps", or, "Used Lamps"

Advanced Chemical Company is hereby required to:

A. Immediately upon receipt of this NOTICE:

1. Place a sign with the words "Danger – Unauthorized Personnel Keep Out" in the 90-Day Hazardous Waste Storage Area located in the facility at 131 Bellows St.
2. Place a "No Smoking" sign in the 90-Day Hazardous Waste Storage Area located in the facility at 131 Bellows St.
3. Provide aisle space between containers of hazardous waste, located in the Drum Storage Area in the facility at 105 Bellows St., for the unobstructed movement of personnel in an emergency.
4. Implement procedures to assure daily inspections of Hazardous Waste Tank #3.
5. Implement procedures to assure manifests have the assigned EPA Identification Number that corresponds to the facility at 105 Bellows St. and 131 Bellows St.
6. Label the containers collecting waste from the "Optima 7000 DV", in the lab area at 131 Bellows St., with the words "Hazardous Waste" and other words to identify the contents.
7. Close two containers of 8-foot waste fluorescent lamps in the Universal Waste Storage Area at 131 Bellows St.
8. Mark waste fluorescent lamps or containers of waste fluorescent lamps with the phrase "Universal Waste – Lamps", or, "Waste Lamps", or, "Used Lamps"

B. Within thirty (30) calendar days of receipt of this NOTICE:

1. Submit a written description, with supporting documentation, including any newly implemented waste determination procedures to:

Mr. Donald MacLeod, Environmental Engineer
RCRA, EPCRA and Federal Programs Unit
Office of Environmental Stewardship

USEPA
5 Post Office Square - Suite 100
Boston, Massachusetts 02109-3912

Failure to correct the violations, as required by this **NOTICE** may subject Advanced Chemical Company to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 692. If you have any questions regarding this NOTICE, please contact Donald MacLeod of my staff at (617) 918-1405.

Sincerely,

Mary Jane O'Donnell, Acting Manager
RCRA, EPCRA, Fed. Programs Unit

cc: Sean Carney, Rhode Island DEM
Tracey Tyrrell, Rhode Island DEM
Mr. Donald MacLeod, USEPA

RCRA file